



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an early end to this tenancy and the issuance of an Order of Possession pursuant to section 56.

At the outset of the hearing, I explained to the parties that as these hearings were teleconferences, the parties could not see each other, so to ensure an efficient, respectful hearing, this would rely on each party taking a turn to have their say. As such, when one party is talking, I asked that the other party not interrupt or respond unless prompted by myself. Furthermore, if a party had an issue with what had been said, they were advised to make a note of it and when it was their turn, they would have an opportunity to address these concerns. The parties were also informed that recording of the hearing was prohibited and they were reminded to refrain from doing so.

All parties acknowledged these terms. As well, all parties in attendance provided a solemn affirmation. All parties acknowledged the evidence submitted and were given an opportunity to be heard, to present sworn testimony, and to make submissions. I explained the hearing and settlement processes to both parties. Both parties had an opportunity to ask questions. Both parties confirmed that they were ready to proceed with the hearing, they did not want to settle this application, and they wanted me to make a decision regarding this application. Neither party made any accommodation requests. I have reviewed all oral and written submissions before me; however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Issue – Adjournment

At the outset of the hearing the tenant requested an adjournment of the hearing. The tenant advised that she didn't feel ready and wanted to get a lawyer. The tenant had a case worker attend the hearing in a support capacity. The tenant had resources through this support group to obtain a lawyer but chose to wait until the hearing to advise that she wanted one. I explained to the tenant in great detail that her request was denied because she did have access to resources but did not take sufficient action, the tenant indicated she understood. The hearing proceeded and completed on that basis.

Issue(s) to be Decided

Is the landlord entitled to an early end of tenancy and an Order of Possession?

Background and Evidence

The landlord gave the following testimony. The tenancy began on February 15, 2021. The landlord testified that almost from the outset of the tenancy the tenant has been problematic. The landlord testified that the tenant and her boyfriend yell and scream at each other on a very regular basis. The landlord testified that the tenant spit on her and threatened to kill her. The landlord testified that the tenant kicked her dog and has been aggressive to her family.

The landlord testified that the police had to be called on numerous occasions as a result of the tenants' aggressive behaviour. The tenant's behaviour caused the other tenants to move as they were tired of all the yelling and screaming and concerned about their safety. The landlord testified that the tenant has significantly interfered with other tenants, herself and her family and wants the tenancy to end and be granted an order of possession.

The tenant gave the following testimony. The tenant testified that much of the issues that the landlord alleges is because of her ex-boyfriend. The tenant testified that he was abusive and that "he took my power". The tenant testified that she agrees that this tenancy should end but wants to work with the landlord in attempts to move out by September 15, 2021. The tenant testified that she is working very hard on making herself happy and healthy and doesn't want to risk the progress she has made by having to move on short notice.

Analysis

Section 56 of the Act establishes the grounds whereby a landlord may make an application for dispute resolution to request an end to a tenancy and the issuance of an Order of Possession on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 for a landlord's notice for cause. In order to end a tenancy early and issue an Order of Possession under section 56, I need to be satisfied that the tenant has done any of the following:

- *significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;*
- *seriously jeopardized the health or safety or a lawful right or interests of the landlord or another occupant.*
- *put the landlord's property at significant risk;*
- *engaged in illegal activity that has caused or is likely to cause damage to the landlord's property;*
- *engaged in illegal activity that has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property;*
- *engaged in illegal activity that has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;*
- *caused extraordinary damage to the residential property, **and***

it would be unreasonable, or unfair to the landlord, the tenant or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 [landlord's notice: cause]... to take effect.

The landlord testified that the tenant has caused her to lose good tenants and she has become fearful of the tenants aggressive and erratic behaviour. The landlord testified that the tenant assaulted her by spitting on her. In the tenant's own testimony, she acknowledged and confirmed that she spat on the landlord. This behaviour is absolutely inexcusable at any time, but more so during a global pandemic when people have a heightened anxiety about such incidents.

In addition, the tenant also acknowledged and confirmed that her ex-boyfriend was the cause of much of the disturbances alleged by the landlord. I find that the tenants own testimony has corroborated the landlords position that the tenants behaviour and that of her ex-boyfriend have "*significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property*" **and,** that it would be unfair for the landlord to wait for a notice under section 47 of the Act to take effect, accordingly; I grant the landlords request to an early end of this tenancy and grant them an order of possession pursuant to section 56 of the Act.

Conclusion

The landlord is granted an order of possession. The tenancy is terminated.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 10, 2021

Residential Tenancy Branch